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*P*ERFORMANCE
*P*ARTNERSHIP
*A*GREEMENT

Between

**OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY**

&

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

JULY 1997

TABLE OF CONTENTS

	Page
PERFORMANCE PARTNERSHIP AGREEMENT.....	i
PUBLIC PARTICIPATION.....	ii
SECTION 1 INTRODUCTION	
1.1. Background.....	1
1.2. Aspirations for Next Year.....	2
SECTION 2 ENVIRONMENTAL PRIORITIES AND INDICATORS	
2.1 Environmental Priorities.....	2
2.2 Environmental Indicators.....	4
SECTION 3 RELATIONSHIP TO OTHER ENVIRONMENTAL AGREEMENTS	
3.1. State Agency and EPA Agreements.....	4
3.2. Tribal and EPA Agreements.....	7
3.3. Federal Agency and EPA Agreements.....	9
SECTION 4 COMPLIANCE AND ENFORCEMENT.....	10
SECTION 5 AIR QUALITY PROGRAM.....	11
SECTION 6 WATER QUALITY PROGRAM.....	13
SECTION 7 HAZARDOUS WASTE PROGRAM.....	14
SECTION 8 CROSS-MEDIA PROGRAMS	
8.1. Environmental Justice.....	16
8.2. Innovations.....	17
APPENDICES	
A. Air Quality Program Partnership Plan.....	A-1
Lane Regional air Pollution Authority Partnership Plan.....	A-29
B. Water Quality Program Partnership Plan.....	B-1
C. Hazardous Waste Program Partnership Plan.....	C-.1

PERFORMANCE PARTNERSHIP AGREEMENT
Between
OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
and
U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 10
for
July 1, 1997 - June 30, 1998

We, the undersigned, Langdon Marsh, Director of the Oregon Department of Environmental Quality (DEQ) and Chuck Clarke, Regional Administrator for the United States Environmental Protection Agency (EPA) - Region 10, enter into this environmental Performance Partnership Agreement (PPA) to collaboratively manage our air, water, and hazardous waste programs to best protect environmental resources of Oregon. This Agreement is applicable for the 1998 State Fiscal Year, that is, July 1, 1997 through June 30, 1998.

This PPA replaces our 1997 Environmental Performance Partnership Agreement for water quality programs and our 1997 State/Environmental Protection Agency Agreements for air quality and hazardous waste programs.

This Agreement is intended to be a “living,” iterative document. As new information becomes available or situations change, either partner may initiate discussions toward revising this Agreement. Both partners believe a mid-year and possibly an end-of-year PPA meeting will promote collaboration. The DEQ and EPA acknowledge that commitments are subject to congressional or legislative actions affecting budgets and mandates.

The DEQ and EPA are fully committed to facilitating communications and trust to avoid conflicts; however, both partners recognize that disputes arise as a normal part of any partnership. Therefore, the undersigned empower and expect their staffs to resolve disputes whenever possible. When resolution is not feasible or successful, there must be timely elevation to managers responsible for the program area in question. If a conflict still cannot be resolved, the undersigned will be the final level of appeal.

It is our belief that this Performance Partnership Agreement will continue progress toward protecting of Oregon’s environmental resources. In addition, we hope this Agreement communicates to local communities, tribal governments and citizens our mutual priorities and commitments for the upcoming state fiscal year.

Signed June_____, 1997

Langdon Marsh, Director
Oregon Department of Environmental Quality

Chuck Clarke, Regional Administrator
Environmental Protection Agency, Region 10

***NEED MORE INFORMATION?
HAVE QUESTIONS OR COMMENTS?***

The Oregon Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency Region 10 (EPA) are committed to listening and responding to any questions or concerns about their partnership to protect Oregon's environmental resources.

Public participation in developing the 1997 PPA was primarily through meetings with existing advisory groups, tribes, and public meetings of the Oregon Environmental Quality commission on April 18, 1997 and June 5, 1997. The DEQ and EPA will seek opportunities to expand involvement in the 1998 PPA. The contacts identified on this page are anxious to receive suggestions to promote public participation next year's PPA process.

PUBLIC INFORMATION CENTER

This document and referenced documents can be obtained by contacting:

EPA Region 10
Public Information Center
1200 Sixth Ave, EXA-142
Seattle, WA 98101
Phone: 206-553-4973

Oregon DEQ
Jim Gladson, Public Affairs Office
811 S.W. Sixth Ave
Portland, OR 97204
Phone: 503-229-6271

INTERNET

This document and other related information should be added by July 15, 1997 to the Environmental Protection Agency "Home Page" located at:

<http://epa.gov/r10earth/>

and other related information is available on the Oregon Department of Environmental Quality "Home Page" located at:

<http://www.deq.state.or.us>

STAFF CONTACTS

In many parts of this document, staff contacts are identified. These people are available to assist with your questions or comments about specific parts of the 1997 PPA.

For general assistance regarding the 1997 PPA process or suggestions for the 1998 PPA, please contact Jim Gladson, DEQ at 503-229-6271 and Michelle Pirzadeh, EPA at 206-553-1272.

SECTION 1 - INTRODUCTION

1.1. BACKGROUND

The Oregon Department of Environmental Quality (DEQ) and U.S. Environmental Protection Agency Region 10 (EPA) share responsibilities for protecting public health and the environment in Oregon. In order to promote excellence in state and federal environmental programs, the DEQ and EPA have committed to continuously improve their longstanding environmental partnership and their relationships with the public and key partners like tribes and local, state, and federal agencies. Commitments of DEQ and EPA for the 1998 State Fiscal Year (SFY), i.e., July 1, 1997 through June 30, 1998, are described in this “Performance Partnership Agreement.”

WHAT IS A “PERFORMANCE PARTNERSHIP AGREEMENT?”

A Performance Partnership Agreement (PPA) documents commitments resulting from joint priority setting. It is an agreement between partners to assess their performance based on environmental results and not just activities.

In this Agreement between the Oregon DEQ and EPA, mutual priorities are listed in Section 2. In Section 3, key environmental agreements with tribal and other federal and state agencies are described. Section 4 addresses compliance and enforcement roles. Sections 5, 6, 7, and 8 provide brief narratives about air, water, hazardous waste, and cross-media programs, respectively. Detailed program commitments for DEQ and EPA are included as appendices.

The PPA also serves as the basis for awarding EPA program grants to the DEQ.

The foundation for this partnering relationship was established in 1995 when EPA and state environmental directors launched the National Environmental Performance Partnership System. It had become clear to these leaders that achieving national environmental goals would require a new commitment to environmental management centered on partnership and results.

This Performance Partnership Agreement (PPA) acknowledges that the DEQ has taken on increased responsibilities and built greater capacity for carrying out environmental programs. Both partners recognize the lead role DEQ has for many environmental programs and the role EPA has for both environmental consistency and flexibility. The EPA must assure that national mandates are consistently met between states while striving to provide flexibility for exemplary or innovative state programs.

1.2. ASPIRATIONS FOR NEXT YEAR

The DEQ and EPA intend to develop a two-year PPA for SFY 1999 and 2000. Both partners are committed to adjust the process to assure appropriate internal involvement and expanded outreach to partners and the public for the next PPA. During SYF97 and 98, the DEQ will seek involvement of stakeholders to develop strategic plans to support longer term PPAs for air, water, and hazardous waste programs.

SECTION 2 - ENVIRONMENTAL PRIORITIES AND INDICATORS

2.1. ENVIRONMENTAL PRIORITIES

The following table provides a summary of environmental priorities. More detailed discussions of air, water, and hazardous waste priorities are provided in Sections 5, 6 and 7, respectively. It is important to note that whenever practicable, pollution prevention (P2) will be emphasized in all efforts by both DEQ and EPA to protect the environment. Pollution prevention is discussed in Section 8.2.1.

Federal and state funding and staffing commitments to achieve air, water, and hazardous waste priorities is provided in Appendices A, B, and C, respectively.

AIR PROGRAM

Identify non-attainment areas in the state and achieve compliance with the National Ambient Air Quality Standards

Make progress to identify areas of the state with potential air quality problems and undertake preventative and corrective measures

Increase public involvement in and public awareness of air quality programs

Reduce emissions and public health risks from non-criteria pollutants

Maintain and enhance (current baseline or better) aesthetic values of air quality

Reduce emissions whenever and wherever practical

Ensure system support for all air quality objectives

WATER PROGRAM

Stream Restoration and Salmonid Recovery - Restore and protect water quality for native salmonid populations and support efforts to improve and restore habitat.

Water Quality Standards, Assessments and Total Maximum Daily Loads (TMDLs) - Restore water quality limited waters through the development and implementation of water quality management plans and TMDLs.

Nonpoint Source Pollution Control - Control and abatement of nonpoint sources of pollution through coordinated water quality management planning, implementation of nonpoint source TMDLs, and application of best management practices.

Groundwater Management and Drinking (Source) Water Protection - Identify areas of the state that have groundwater and drinking water quality problems, initiate programs to address the most significantly contaminated areas, encourage and promote stewardship and pollution prevention as the preferred approach for protecting groundwater and source water quality.

Water Quality Monitoring and Information Management - Continually improve efforts to monitor water quality for all waters of the state and coordinate water quality information data bases with other state and federal agencies to improve efficiency and accessibility.

Water Quality Permitting, Compliance Assurance and Enforcement - Continue to control point sources of pollution through effective permitting, compliance assistance, and enforcement programs.

HAZARDOUS WASTE PROGRAM

Minimization - To reduce the use of toxic chemicals and minimize the generation of hazardous wastes.

Safe Management - To minimize exposure and releases through appropriate management of toxic chemicals and hazardous wastes.

Remediation - To remediate non-authorized releases of toxic chemicals and hazardous wastes to environment.

Communication - To maximize the public's involvement in achievement of the goals of minimization, safe management, and remediation.

2.2. ENVIRONMENTAL INDICATORS

The DEQ and EPA have always been committed to environmental results. In the past, agency actions to protect public health and the environment, such as number of permits issued and number of inspections, were primary measures of accountability. Under the PPA, more emphasis will be placed on environmental indicators to monitor effectiveness. Such indicators will need to be meaningful, measurable by DEQ and EPA, and informative to the public.

A primary goal of the PPA is to improve the use of environmental indicators.

In order to increase the effectiveness of environmental indicators and assure continued commitment to the Performance Partnership Agreement, DEQ and EPA will meet, at least twice a year, to jointly assess achievements and shortfalls. Such mid-year and end-of-year meetings are intended to enhance communications and cooperation. Since environmental priorities described in Section 2.1 were mutually established by DEQ and EPA, both partners acknowledge that they are jointly accountable for successes as well as shortfalls.

Contacts: Paul Burnet, DEQ at 503-229-5776 and Jon Schweiss, EPA at 206-553-1690.

SECTION 3 - RELATIONSHIP TO OTHER ENVIRONMENTAL AGREEMENTS

This PPA recognizes the important role of other environmental partnerships to both EPA and DEQ. In order to provide a more comprehensive picture of EPA and DEQ environmental programs, Section 3 describes relationships to other key partners like tribes and federal and state agencies.

3.1. STATE AGENCIES AND EPA AGREEMENTS

The Performance Partnership Agreement is intended to be the primary agreement between DEQ and EPA. However, the 1997 PPA does not include Superfund, solid waste, cleanup, or tank programs. Both partners are committed to reviewing preceding agreements, deleting those that are no longer needed, and updating those that add value to the partnership. Whenever more detailed agreements are needed, such agreements shall be consistent with the PPA.

This discussion of agreements between EPA and state agencies is divided into three parts. Section 3.1.1 describes funding agreements between EPA and the State of Oregon, Section 3.1.2 identifies programmatic agreements between EPA and the DEQ, and Section 3.1.3 describes EPA and DEQ compliance and enforcement agreements.

3.1.1. Funding Agreements

Traditionally, State/EPA Agreements (SEAs) have been used to negotiate EPA funding commitments with the State of Oregon. These SEAs focused on “contracting relationships,” i.e., activities to be conducted by the State in order to receive federal funding. As shown in the following table, during SFY97, EPA entered into environmental agreements with three Oregon

State agencies covering five programs. Four of these agreements were the traditional SEAs and one was a new PPA. The table also shows that for SFY98, environmental funding agreements will continue the shift from the “contracting relationships” of SEAs to “partnership relationships” of PPAs. The 1998 PPA will again include water programs, but also expand to add air and waste programs. Drinking water and pesticides programs will be covered under separate SEAs.

STATE/EPA FUNDING AGREEMENTS

Environmental Program	Oregon State Agency	1997 State Fiscal Year		1998 State Fiscal Year	
		SEA	PPA	SEA	PPA
Air Quality	Department of Environmental Quality	X			X
Haz. Waste Program	Department of Environmental Quality	X			X
Water Quality	Department of Environmental Quality		X		X
Drinking Water	Division of Health	X		X	
Pesticides	Department of Agriculture	X		X	

3.1.2. Program Agreements

In addition to funding agreements, there are agreements that set forth respective EPA and DEQ roles in delivering environmental programs. The current status and relationship of those programmatic agreements to the PPA are noted below.

For general information on any of the agreements identified in this section, contact: Monica Kirk, EPA, Oregon Operations Office at 503-326-3269.

3.1.2.1. Air Program

Title V Implementation Agreement -The Title V Implementation Agreement defines additional responsibilities and procedures by which the Title V air operating permits program will be administered in Oregon. The agreement also clarifies responsibilities and commitments made by DEQ and Lane Regional Air Pollution Authority in their Title V program submittals and in their implementing regulations. The provisions of this agreement also include strategies and priorities necessary to complete operating permit reviews, issue permits, transfer data, update legal authority, and conduct program audits.

Contact: Paul Koprowski, EPA, Oregon Operations Office at 503-326-6363.

112 Delegation Agreement - The 112 Delegation Agreement lays out a procedure to share information that will facilitate the federal delegation of authority necessary to implement and enforce standards promulgated by EPA under section 112 of the Clean Air Act (as amended). The agreement also clarifies the expectations and responsibilities of the DEQ and the EPA necessary to successfully delegate authority to the state.

Contact: Paul Koprowski, EPA, Oregon Operations Office at 503-326-6363.

3.1.2.2. Water Program

NPDES Delegation Memorandum of Agreement (undated) - Delegates to DEQ the primary responsibility for administering the NPDES program, including pretreatment and general permitting, and to establish priorities that are consistent with the national program goals and objectives.

UIC Memorandum of Agreement (1984) - Delegates to DEQ the primary responsibility for administering the UIC program and to establish priorities that are consistent with the national program goals and objectives.

Lower Columbia River Estuary Program Conference Agreement (1996-1999) - Coordinated federal, tribal, state and local agency assessments of trends in water quality, natural resources and uses of the Columbia River below Bonneville Dam, emphasizing the (1) identification of environmental problems through data collection and analysis, (2) identification of the causes of the problems, and (3) development of a comprehensive conservation and management plan which includes recommendations for priority actions, implementation strategies and funding options.

Contact: Deb Marriott, DEQ at 503-229-5421 and Jack Gakstatter, EPA, Oregon Operations Office at 503-326-2710.

Tillamook Bay National Estuary Program Conference Agreement (*July 1, 1994*) - This document commits EPA, the State of Oregon, and Tillamook County (all signatories) to completing and implementing a comprehensive conservation and management plan (CCMP) that works to protect and enhance the water quality and living resources of Tillamook Bay. EPA is providing approximately \$800,000 per year over a four year period to conduct needed studies and a locally driven public process to develop the management plan by September 1998. DEQ and other state agencies and the governor's office are heavily involved in this process. This State involvement is important due to the overlapping aspects of the NEP, OCSRI, and mandated SB1010 management plan and TMDL development for the area. The confluence of these activities in the Tillamook Bay Basin provides not only a great opportunity for success, but also a critical need for effective coordination and timing.

Contact: Russell Harding, DEQ at 503-229-5284 and John Gabrielson, EPA at 206-553-4183

3.1.2.3. Hazardous Waste Program

RCRA/HSWA Memorandum of Agreement (1995) - Delegates to DEQ the primary responsibility for administering the RCRA/HSWA programs and to establish priorities that are consistent with the national program goals and objectives.

3.1.3. Compliance/Enforcement Agreements

In order to clearly define respective compliance and enforcement responsibilities, DEQ and EPA have negotiated Compliance Assurance Agreements (CAAs) for air, water, and hazardous waste programs. The most recent CAAs include the following:

3.1.3.1. Air Program

Compliance Assurance Agreement Between Oregon Department of Environmental Quality and EPA Region 10. (December 28, 1994)

Paul Koprowski, EPA at 503-326-6363.

3.1.3.2. Water Program

Compliance Assurance Agreement Between US Environmental Protection Agency and Oregon Department of Environmental Quality for the NPDES and UIC Programs. (April 1992)

Dave Tetta, EPA at 206-553-1327.

3.1.3.3. Hazardous Waste Program

Oregon/EPA FY91 Hazardous Waste Compliance Assurance Agreement. (April 3, 1991)

Cheryl Williams, EPA at 206-553-2137.

Since these CAAs were negotiated, EPA and the four states of Region 10, i.e., Alaska, Idaho, Oregon, and Washington, adopted EPA/State Agency Agreement on Compliance Assurance Principles on June 4, 1997. This Agreement which is summarized in Section 4, is adopted by reference as part of this PPA.

DEQ and EPA are committing in this PPA to review current CAAs and revise them to be consistent with the Principles. This process will be completed by June 30, 1998.

3.2. TRIBAL AND EPA AGREEMENTS

Any comprehensive effort to protect environmental resources of Oregon must also recognize the critical role of all nine federally recognized Tribes in Oregon. This section briefly describes evolving EPA funding and program agreements with these sovereign nations.

There are three primary EPA grant opportunities for Tribes. These include:

- (1) General Assistance Program (GAP) Grants - Tribal grants for planning, developing, and establishing capacity to implement environmental protection programs or to support the development of elements of a core environmental program. (The funding amount for Oregon Tribes in the 1997 Federal Fiscal Year (FFY97), i.e., October 1, 1997 through September 30, 1998 was \$578,500 and the projected amount for FFY98 is \$860,000.)
- (2) Clean Water Act, Section 106 Grants - Nationally, 106 money has been set aside for Tribes that demonstrate capacity and jurisdiction according “Treatment in the same manner as a State” (TAS) criteria. Such Tribes can be funded for many water quality activities including water quality planning and assessments, developing of water quality standards and total maximum daily loads, issuing permits, protecting ground water and wetlands, ambient monitoring, and nonpoint source control activities. (The projected amount for Oregon Tribes in FFY98 is \$86,500.)
- (3) Other Program Set-Asides - Various programs can establish set-asides for Indian tribes. For example, funds have been awarded according to the Clean Water Act, sections 104(b)(3) for demonstration projects, including wetlands, and 319 for non-point source programs.

The following table shows funding for FFY97. All nine Oregon Tribes received GAP grants. Currently, three Tribes have achieved TAS status for one or more program areas, and three Tribes have also received program set-aside funds.

TRIBAL FUNDING AND PROGRAM AGREEMENTS

OREGON TRIBE	TAS	GRANTS
Burns Paiute Tribe		GAP
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw		GAP
Confederated Tribes of Grand Ronde		GAP and hazard waste management
Confederated Tribe of Siletz Indians		GAP
Confederated Tribes of Umatilla	CWA106 CWA319	GAP and CWA, sections 319, 104 (b)(3), and wetland protection
Confederated Tribes of Warm Springs	CWA106	GAP, CWA, section 106 and wetlands
Coquille Indian Tribe		GAP
Cow Creek Band of Umpqua Indians		GAP
The Klamath Tribe	Clean Lakes	GAP

In addition to funding agreements, it is important to note the status of programmatic Tribal Environmental Agreements (TEAs). The TEA will serve as a flexible planning tool which clearly identifies individual Tribal environmental objectives, expected outcomes, expectation of resources, and implementation and management assistance from EPA. It is expected that most TEAs will be done in 3 stages or tiers. Tier 1 will be much like a Memorandum of Agreement. This agreement will describe rights and responsibilities of both parties and also document Tribal history. Tier 2 will be like an environmental assessment of Tribal lands. Tier 3 will be an action plan on how to take care of items found in Tier 2. Currently, the Confederated Tribe of Siletz Indians is the only Oregon Tribe to submit a Tier 1 TEA for EPA review.

Contact: Clarence Ortman, EPA, Oregon Operations Office at 503-326-7024 or E-Mail address "ortman.clarence@epamail.epa.gov."

3.3. FEDERAL AGENCY AND EPA AGREEMENTS

Since there are a number of federal agencies with responsibilities that significantly impact environmental protection programs of EPA, the EPA has entered into cooperative agreements with its federal partners. Some of the key agreements include the following:

A Memorandum of Agreement (MOA) Between National Marine Fisheries Service (NMFS), Fish and Wildlife Service (FWS), and Environmental Protection Agency - Creating a New Ecological Partnership for the Pacific Northwest (April 21, 1994) - The stated objective of this MOA is, "To promote greater cooperation, consistency and effectiveness between fisheries, wildlife, and environmental programs in protecting the Pacific Northwest's (PNW) irreplaceable ecosystems. While this MOA establishes a strong foundation for cooperative action across many issues, our initial emphasis will be on aquatic conservation, particularly for salmonid habitat."

Memorandum of Understanding between State of Oregon, USDA Forest Service Region 6, USDI Bureau of Land Management - Oregon, USDI Fish and Wildlife Service - Oregon, USDA Natural Resources Conservation Service - Oregon, USDC National Marine Fisheries Service, USDI Bureau of Indian Affairs, Environmental Protection Agency, USDI Bureau of Reclamation, US Army Corps of Engineers, and USDI National Park Service (April 30, 1997) - This agreement focuses on cooperation to improve current conditions of watersheds.

Memorandum of Understanding for Forest Ecosystem Management by four Secretary-level officials, including EPA Administrator (October 1993) - This five year MOU established a framework for cooperative planning, improved decision making, and coordinated implementation of the Northwest Forest Plan (NFP). The 24 million acre three state area covered by the MOU includes all of Oregon west of the Cascades. The MOU also established the Regional Ecosystem Office, Research and Monitoring Committee, and the Province Teams.

Interior Columbia Basin Ecosystem Management Plan - This Plan addresses forest health, fisheries, and community stability in the Basin's 140 million acres. Since about 75 million acres of the Basin are the responsibility of the U.S. Forest Service and Bureau of Land Management, MOU's to address ecological and economic aspects of Plan implementation will likely be developed after a final Plan.

SECTION 4 - COMPLIANCE AND ENFORCEMENT

The goal of compliance and enforcement is to provide a credible deterrent and promote compliance and correct past and deter future environmental problems by ensuring immediate, full, and continuous compliance with environmental protection laws.

As part of the Performance Partnership process, EPA and Oregon DEQ reached agreement on June 4, 1997 on a set of principles to guide relationships and actions in compliance and enforcement matters. This document entitled, EPA/State Agency Agreement on Compliance Assurance Principles is adopted by reference as part of the PPA.

The principles cover four major themes: (1) Collaborative Planning, (2) EPA/State Roles, (3) Performance Measurement/Oversight, and (4) Information Sharing and Data Responsibilities. Principles most relevant to this PPA include:

- The importance of “upfront” planning, in particular the PPA process, to avoid problems, duplication and surprises and to identify opportunities for work sharing and collaborative strategies.
- Recognition of a delegated program’s primary responsibility, also known as “first right of refusal,” to carry out work identified as high priority by EPA, except where regional or national priorities warrant an EPA lead. Such exceptions would occur only after full and open consultation with the state. (EPA delegation of federal environmental programs to states does not include responsibility for Tribal reservations.)
- EPA and DEQ should make a commitment to help define and negotiate EPA’s enforcement role in the state for a given year -- a role which is meaningful and agreed to by EPA. This role will be reflected in the program specific work plans listed in the appendices.
- DEQ and EPA should work together to define expectations and program review criteria. Each agency is committed to full participation in the EPA/State workgroup that has recently been formed to develop consensus on significant enforcement policy areas. In 1997 a major focus of this group will be the development of oversight processes that are supported by both EPA and state agencies.

The compliance assurance principles also note a commitment by DEQ and EPA to support data reporting systems. These systems include AFS (AIRS Facilities Subsystem where AIRS means Aerometric Information Retrieval System), PCS (Permit Compliance System), and RCRIS (Resource Conservation Recovery Information System). In addition, EPA and DEQ agree to collaboratively identify and clarify the most critical data elements.

At a minimum, EPA and DEQ are committing to report on enforcement core measures. Specific commitments for individual data bases are included in the program specific work plans. These include a joint identification by EPA and DEQ of the critical data elements needed to satisfy the core measures.

Contacts: Dave Tetta, EPA at 206-553-1327 and Tom Bispham, DEQ at 503-229-5287.

SECTION 5 - AIR QUALITY PROGRAM

The DEQ Air program goal is to ensure that all Oregonians have healthy air to breathe. DEQ monitors air quality and protects public health by identifying and developing emissions reduction strategies that achieve and maintain compliance with health based National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: sulfur dioxide, lead, nitrogen dioxide, ozone, carbon monoxide and respirable particulate matter.

In Oregon, the criteria pollutants of concern are ozone, carbon monoxide and PM10. The major sources of air pollutants in Oregon are motor vehicles, forest slash and field burning, woodstoves, and industrial facilities.

Whenever air pollution levels exceed the NAAQS, DEQ designs and implements programs that reduce emissions and attain state and federal air pollution standards according to the deadlines in the Federal Clean Air Act. The Clean Air Act also directs DEQ to prevent the deterioration of air quality in areas with air of higher quality than the standards require.

The following areas have failed to meet air quality standards in the past and have been officially declared as nonattainment areas by EPA:

Nonattainment Areas	Air Pollutants Of Concern
Portland Air Quality Maintenance Area (AQMA)	Carbon monoxide
Salem	Carbon monoxide, ozone
Eugene-Springfield AQMA	Respirable particulate
Klamath Falls	Respirable particulate, carbon monoxide
Medford	Respirable particulate, carbon monoxide
Grants Pass	Respirable particulate, carbon monoxide
La Grande	Respirable particulate
Oakridge	Respirable particulate
Lakeview	Respirable particulate

In Oregon, air pollution control strategies have proven effective. All nonattainment areas have met their deadlines for attaining ambient air quality standards, the first step in the redesignation process. The next step in redesignating an area to attainment is to develop and adopt a plan demonstrating continued compliance for at least ten years. During the 1997-1999 biennium the Department expects

to develop such plans for Medford and Salem to maintain healthy air while accommodating future economic and population growth. Areas that are not successful in this process will be at risk of stricter federal requirements.

Air quality strategies also address the aesthetic impacts of air pollution. Significant visibility impairment from human caused sources threatens to affect the following pristine areas:

Mt. Hood Wilderness	Crater Lake National Park
Mt. Jefferson Wilderness	Eagle Cap Wilderness
Three Sisters Wilderness	Columbia River Gorge National Scenic Area

Control efforts directed at forest slash burning and grass field burning have reduced impairment during the summer high visitation period for these areas.

The Air Quality Program with staffing of approximately 125 full-time equivalents (FTEs) includes Headquarters, Laboratory functions, Regional Operations and one local air pollution control agency (Lane Regional Air Pollution Authority).

The headquarters office with approximately 41 FTE of the Air Quality Program is responsible for:

- overall program planning
- rules and guidance
- development and initial implementation of the permitting program for major industrial sources
- data analysis and reporting
- the vehicle inspection program.

The laboratory with approximately 27 FTE is responsible for:

- ambient air sampling
- developing and evaluating analytical methods
- providing technical assistance to industry, the public and government agencies
- analysis of samples
- quality assurance

The regional offices of the Air Quality Program with approximately 57 FTE are responsible for:

- industrial source compliance
- investigation of complaints
- motor vehicles fuels programs
- implementation of the industrial source permitting program
- compliance inspections of permitted dischargers
- direct technical assistance for local governments, industries, and individuals
- technical assistance
- asbestos programs
- open burning programs

The regional staff also use the permitting and enforcement programs to promote pollution prevention as a means of reducing the regulatory burden on industry while improving air quality.

Lane Regional Air Pollution Authority (LRAPA) conducts the air pollution control program in Lane County. Under current legislation adopted in 1967, members of the authority are Lane County and the cities of Eugene, Springfield, and Cottage Grove. As authorized, LRAPA exercises the functions otherwise vested in the Department of Environmental Quality with respect to: 1) powers and duties; 2) standards of quality and purity; and 3) rules and regulations and enforcement.

The partnership plan in Appendix A describes mutual commitments of DEQ and EPA towards achieving healthy air quality.

The EPA provides approximately twenty FTE in support of the air partnership plan.

Contacts: Paul Koprowski, EPA, Oregon Operations Office at 503-326-6363 and Sarah Armitage, DEQ at 503-229-5186.

SECTION 6 - WATER QUALITY PROGRAM

In Oregon, the Department of Environmental Quality has responsibility for protecting water quality. The mission of the DEQ is to protect and enhance the quality of Oregon's rivers, streams, lakes, estuaries, and groundwaters and to maintain the beneficial uses for each drainage basin. DEQ's primary method for achieving this mission is through development, adoption, and application of the state's water quality standards and criteria. Water quality is managed under a Water Quality Management Plan according to Oregon's rules in Chapter 340, Division 41. This plan sets the framework by which discharge activities may be evaluated, on a case-by-case basis, to determine whether the activity meets water quality standards and criteria, or if a discharge permit is needed.

Oregon has maintained a program for identifying and correcting water quality problems since 1938. The state's water quality program focuses on protecting the designated beneficial uses of waterbodies. These beneficial uses are actual, identified uses established for each basin by the state's Water Resources Commission. Major beneficial use categories include: domestic and industrial water supplies; fisheries, aquatic life, and wildlife; agriculture; navigation; hydroelectric power; recreation; and aesthetics.

Water quality permits are issued based on both federal regulations and state rules. In accordance with the Clean Water Act, EPA has delegated authority to Oregon DEQ to issue Federal National Pollutant Discharge Elimination System (NPDES) permits. NPDES permits are issued to sources discharging to surface waters. State Water Pollution Control Facilities (WPCF) permits are issued to those not discharging to surface waters, e.g., treatment lagoons with land irrigation, subsurface disposal.

Since 1984, the emphasis of the Water Quality Program has gradually shifted from technology-based controls, i.e., predetermined wastewater quality achievable through application of treatment technology, to water quality-based controls, wherein individual point and nonpoint source

discharges are managed based on how they affect the receiving waters. This shift in emphasis is supported by making specific evaluations and assessments of water quality and designating those waters not meeting standards or protecting beneficial uses. For these “water quality limited waters,” the DEQ develops Total Maximum Daily Loads (TMDLs), that is, the total amount of a pollutant (load) that the receiving waters can assimilate while maintaining water quality standards, and allocates these loads to the various sources. The holistic watershed approach, taking into account all impacts and sources, is the preferred approach to TMDL development.

Oregon has eighteen river drainage basins and a network of over 114,000 miles of rivers and streams, and nearly 2,350 lakes, reservoirs, and ponds covering about 420,000 acres. According to the most recent Clean Water Act, Section 303 (d) list, Oregon has 870 stream reaches or water bodies that don’t meet water quality standards or attain designated beneficial uses.

Contrary to popular belief, Oregon can be surprisingly dry. The eastern two-thirds of the state is largely high desert, with average annual rainfall of less than 12 inches. In the wetter west side of the state, summers may see little or no precipitation. Seasonal water shortages are not uncommon. This is due in part to the fact that most of Oregon’s water supplies come from winter rains and mountain snow packs. Peak demand for water resources occurs in the summer, when stream flows are lowest. To help meet growing demands for water, the state is increasingly turning to groundwater sources. How to best meet existing and future water demands--and achieve balance between protecting water quality and encouraging economic development--is a challenge Oregonians face, now more than ever.

The work plan in Appendix B describes mutual commitments of DEQ and EPA towards achieving healthy aquatic systems and protecting human health.

Contacts: Jack Gakstatter, EPA, Oregon Operations Office at 503-326-2710 and Jan Renfroe, DEQ at 503-229-5589.
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SECTION 7 - HAZARDOUS WASTE PROGRAM

Oregon’s hazardous waste program is an EPA authorized program, and first received authorization in 1986. Oregon continues to adopt federal regulations to maintain the authorized hazardous waste program.

Oregon’s RCRA regulated community consists of 222 Large Quantity Generators (LQG), 508 Small Quantity Generators (SQG) and 21 TSDFs, including one commercial land disposal facility. The state recently issued a permit for a chemical weapons incinerator that began construction on May 1, 1997. In addition, approximately 2,500 Conditionally Exempt Generators (CEG) are registered with the Department, which represents only about 10 percent of the estimated number of CEGs statewide. Approximately 115 hazardous waste transporters are registered with DEQ, and are primarily regulated by Oregon’s Department of Transportation.

Authorization for the corrective action program was received in 1995. In an effort to ensure state-wide consistency in cleanups and to utilize the best available resources, this year the hazardous waste program will work with EPA Region 10 to implement the transition strategy to transfer oversight of corrective action activity at treatment, storage and disposal facilities to the state cleanup program. The corrective action activities at up to fifteen sites will be transferred to the cleanup program within the next two years. The hazardous waste program will continue to be involved in the RCRA decisions at these facilities, as it is at all state-lead cleanups.

As an authorized program, Oregon performs a majority of inspection and enforcement work within the state. A strong enforcement presence is a critical part of the program's activities. In FY 96, 231 inspections and complaints were conducted by hazardous waste staff, 161 Notices of Noncompliance were issued and over \$370,000 was assessed in civil penalties. EPA's hazardous waste program will continue to maintain a compliance and enforcement presence in Oregon by working with DEQ to ensure statutorily required inspections are performed as needed, and to conduct several multi-media inspections. Additionally, EPA will pursue civil or criminal enforcement upon DEQ's referral or as an outcome of EPA's inspection work.

In addition to a compliance and enforcement presence, EPA and Oregon agree that compliance assistance is a valuable tool to achieving compliance and providing environmental protection. The hazardous waste program includes a strong technical assistance program that provides both compliance assistance and toxics and hazardous waste reduction assistance. The state's Toxics Use Reduction Act (TUR) requires reduction planning at over 800 facilities. Staff review reduction plans as well as provide reduction planning assistance. Compliance assistance is provided in many forms including on-site visits, training and fact sheets.

The technical assistance component is above and beyond the program commitments to EPA, yet serves to enhance the basic implementation of RCRA and demonstrates Oregon's capabilities in running an authorized program. EPA supports the emphasis on technical assistance which will continue to be a strong component of Oregon's hazardous waste program.

About 20 percent of the Hazardous Waste Program's resources are provided through the federal grant, and provide support for activities of the delegated RCRA program. The remaining 80 percent of the program's resources come from state sources or project-specific federal funds. These resources are committed, in part, to supplement the federal funding of the Core RCRA activities, but are also dedicated to activities that reflect the State's priorities in hazardous waste management, such as technical assistance and toxics use reduction. The full scope of state activities are broader than the commitments to EPA.

DEQ's hazardous waste program is in the midst of a year long strategic planning effort. This process is the key to providing a solid planning base for the hazardous waste program. Due to the time frame of the broader planning commitment, this year's PPA represents a "work in progress". The hazardous waste portion of DEQ's PPA provides information equivalent to the former State/EPA Agreement (SEA) on the Core RCRA program activities (e.g., permitting, inspections, enforcement) but places those efforts into the broader strategic planning effort being developed by the hazardous waste program. The Hazardous Waste Program has committed to retaining many of the performance outputs that defined accomplishments under the previous SEA

approach. Over the next year, the program's strategic planning effort will continue to develop a clear expression of the hazardous waste priorities in the state and methods of measuring program success. The program planning effort will evaluate not only "what activities we implement" but "how we implement them". The current state of the program implementation options development is represented in the tables in Appendix C. The hazardous waste section of the next PPA will represent the outcome of this full strategic planning effort.

It is recognized that the success of this agreement will require work on the part of both agencies, and there may be both internal and external barriers to redefining the state/EPA relationship and implementing the work outlined in this document. This agreement reflects a commitment by both EPA and DEQ to evaluate changes in the way we do business based on a philosophy of cooperation and flexibility between DEQ and EPA, while incorporating state, regional and national priorities.

Contacts: Anne Price, DEQ at 503-229-6585 and Mike Slater, EPA at 206-553-0455.

SECTION 8 - CROSS PROGRAMS

8.1. ENVIRONMENTAL JUSTICE

"Environmental Justice is the fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."
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The terms "environmental justice" and "environmental equity" embody the concept that minority and low income communities have borne the disproportionate exposure to environmental hazards in their neighborhoods, in the workplace and in recreation, and acknowledge the commitment by environmental agencies to remedy this unacceptable situation. Thus, the environmental justice movement, which both EPA and DEQ support, promotes the fair treatment of people of all races, income and culture with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

The EJ Goal for this PPA is to involve affected communities and Tribes in the analysis of, and strategy for addressing, the environmental effects on minority community and low income communities. Initially, this will be accomplished through three Objectives: (1) involving the affected population early in the process so as to increase access to information, ensure diverse public participation and conduct outreach and provide written material designed to reach target populations in a timely fashion; (2) determining if proposed actions or current activities present an environmental justice concern by incorporating demographic conditions and impacts in proposed actions and alternatives; and (3) evaluating health and cumulative risks on affected community by considering the cumulative number of facilities, sites or environmental threats on community and multiple exposurer paths for pollutants.

In 1993, EPA's OEJ was delegated authority to solicit and select environmental justice projects, issue grants for projects, supervise and evaluate projects and disseminate information on the feasibility of the practices, methods techniques and processes implemented by the funded grant applications.

The EJ Small Grant program is intended to provide financial assistance and promote the public interest by supporting projects undertaken by community groups addressing environmental justice issues. Eligible groups included any affected community group (i.e., community-based/grassroots organizations, schools, educational agencies, colleges or universities and nonprofit organizations) as well as Tribal governments. These awards do not exceed \$20,000 per grant annually.

In 1997, EPA received applications from Oregon community groups seeking almost \$1 million for EJ activities, i.e., \$225,000 in EJ small grants, \$500,000 in CUP grants, and \$100,000 in P2EJ grants.

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8.2. INNOVATIONS

In addition to continuously improving base environmental programs, like permitting and inspections, the DEQ and EPA are committed to developing innovations that respond to changing conditions and new information. This section briefly describes some examples of state and federal innovations expected to better protect Oregon's environmental resources.

8.2.1. Pollution Prevention

In the Pollution Prevention Act of 1990, Congress declared that, "...pollution should be prevented or reduced at the source whenever feasible." Integrating this national policy of pollution prevention (P2) into air, water and hazardous waste program has been and continues to be a top priority for both DEQ and EPA.

The DEQ has focused on promoting pollution prevention in all its programs and regions using a "grass roots" approach. Coordination of agency pollution prevention activities is managed in the Director's Office. While resources, projects, and implementation are promoted at the division level, a "core committee" with representatives from each primary division, helps boost coordination and communications. DEQ utilizes EPA Pollution Prevention incentives for state grants to conduct special projects and training.

Since 1991, EPA has awarded DEQ about \$100,000 each year for P2 projects. DEQ's commitment to these projects has been demonstrated with 50% state matches.

Contact: Marianne Fitzgerald, DEQ at 503-229-5946.

8.2.2. Green Permits

The DEQ is conducting a pilot project designed to encourage and reward outstanding environmental performance by business and industry. The project is based on a “tiered” or multi-level system in which greater demonstrated environmental performance is acknowledged. In this system, businesses use environmental management systems to promote the framework for managing “beyond compliance.” Alternative methods of demonstrating environmental excellence may also be possible. Pilot projects are scheduled to begin in early 1998.

Contact: Paul Burnet, DEQ at 503-229-5776.
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8.2.3. Environmental Partnership for Oregon Communities

Small communities have few administrative and technical staff to assess problems and limited financial resources to meet requirements. Non-compliance with mandates can result in costly fines and pose risks to public health, ecosystems, and quality of life. Non-compliance also hinders the community’s ability to sustain and expand local economies. Environmental Partnership for Oregon Communities (EPOC) is an innovative DEQ and Oregon Health Division program designed to help communities comply with mandates for wastewater treatment, safe drinking water, solid and hazardous waste management, and air quality.

In order to expand this innovative compliance assistance work, the EPA Office of Enforcement and Compliance Assurance has awarded a \$500,000 grant to DEQ. The DEQ plans to use these funds in two to four watersheds to help communities assess and prioritize compliance problems and develop binding multi-media compliance plans and schedules.

Contact: Peter Dalke, DEQ, Northwest Regional Office at 503-229-5588
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8.2.4. Oregon Coastal Salmon Restoration Initiative

With a goal of generating support and commitment from landowners and industry to government agencies, to restore salmon and their natural systems, Governor Kitzhaber has championed the *Oregon Coastal Salmon Restoration Plan*. This innovative plan attempts to mesh scientifically sound actions with local watershed level public support. The DEQ and the state’s other natural resources agencies are directed by the Governor, along with the Oregon Department of Transportation and Economic Development Department, to develop a program to protect coastal salmon habitat.

Since salmon habitat and water quality are inextricably linked, EPA is a major supporting partner. An example of EPA support is a \$1Million grant to “For the Sake of the Salmon” to help fund watershed councils.

Contact: Governor’s Natural Resources Office at 503-378-3589 ext 834 and Mike Downs, DEQ at 503-229-6290.

8.2.5. Community Based Environmental Protection Strategy

In March 1997, EPA Region 10's Office of Ecosystems and Communities published its Community Based Environmental Protection Strategy (CBEP). The CBEP recognized that long-term sustainable solutions to many environmental problems require cooperation of tribes, states, local communities, other agencies, non-profits, and industries. To build a foundation for such cooperation, Region 10 is stressing "mutual capacity building." This means providing training, scientific and technical support, mediation or conflict resolution support to communities while also increasing awareness at EPA about local communities and their needs. An ongoing example is the Umatilla Community Based Environmental Protection Strategy and Total Maximum Daily Load (TMDL) .

The 3500 square mile Umatilla Basin was selected by DEQ and EPA as a priority regional geographic initiative (RGI) area for piloting a CBEP process and focusing resources for the next few years. Efforts began in 1996 with a pilot, total basin, multi-parameter TMDL that is being jointly developed by DEQ, the Confederated Tribes of the Umatilla Indian Reservation, and the Umatilla Basin Watershed Council. In addition to addressing CWA 303 (d) requirements, this broad-based water quality effort complements past successes with increased water flows and salmon runs in the Basin. Numerous agencies and non-governmental entities have been involved as a team in setting priorities, sampling, analyzing data, modeling, designing approaches for presenting technical information to non-agency people, and formulating an integrated framework for addressing all pollutants and all sources. The TMDL effort is now moving into the stage of substantially increasing community involvement in developing integrated management objectives and plans for the various sources and geographic areas throughout the Basin.

Contact: Chris Kelly, EPA, LaGrande Office at 541-962-7218 and Dick Nichols, DEQ-Eastern Region at 541-388-6146.
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8.2.6. Effluent Trading

Particularly for implementing basin TMDLs, effluent trading between point and nonpoint sources may represent a cost-effective way of reducing loads of specific pollutants, e.g. nutrients. The effluent trading program is still in its infancy but will be pursued and developed as an innovative approach to reducing pollutant loads to achieve water quality standards at least cost. DEQ and EPA will work together to establish pilot projects to develop and test the effectiveness of effluent trading.

Contact: Claire Schary, EPA , Seattle Office at 206-553-8514 and Tom Lucas, DEQ at 503-229-6099.
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